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Fairfax Lawyer Disbarred, Said Covert Work for NSA Triggered Problems

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John W. Edmiston, a Fairfax County attorney who claimed his bookkeeping was a shambles partly because of covert work he did for the super-secret National Security Agency, was disbarred yesterday for fraudulently spending \$34,800 of a client's money.

The disbarment was ordered by a three-judge Circuit Court panel that was acting on a complaint by the ethics panel of the 10th District Committee of the Virginia Bar. The complaint accused Edmiston, who maintains an office in Vienna, of violating the disciplinary rule that says a lawyer "shall not engage in conduct involving dishonesty, fraud, deceit or misrepresentation."

NSA general counsel Roy R. Banner said Edmiston resigned from the agency on Sept. 29, 1971, more than a year before the period during which Edmiston claimed he assisted in covert activities of the NSA. Banner said Edmiston "has not served as an official representative of NSA since he resigned."

The \$34,800 was the amount of a check that Gulf Reston Inc. gave Edmiston who in turn was to pay off a construction loan from Equitable Trust Co. of Baltimore, according to testimony before the committee.

Equitable should have gotten the money in November, 1973, the same month Gulf Reston gave it to him, but Edmiston did not make up the sum until Oct. 24, 1974, 2½ months after Gulf Reston first asked him what hap-

pened to the money, according to the testimony.

The bar committee said in its complaint that Edmiston used the \$34,800 check for personal expenses.

Edmiston said in testimony before the bar committee last April that he spent the money because of his admittedly sloppy bookkeeping in which he failed to distinguish clients' money from his own trust funds.

He testified that he had mistakenly assumed that \$35,000 in fees from the NSA was on deposit in one of his 11 bank accounts. But he claimed in testimony, he then learned that the NSA had never paid him the money.

Because of his bookkeeping system, described by his attorney as "horrendous and atrocious," Edmiston told the bar committee he mistakenly assumed the money from the Gulf Reston check was the NSA money.

Edmiston testified that he began to unravel the error in October, 1974, and that month he asked for and received \$35,000 from the NSA for back services. That same month, he testified, he reimbursed Gulf Reston for \$34,800, plus \$2,000 in interest.

Edmiston blamed his bookkeeping problems in part on what he said was NSA's policy of paying him in cash. "The (NSA) didn't keep very good records either in a lot of these under-the-table accounts," he told the bar committee. "I mean no one even knows where they get the money either. I certainly didn't. I'm not sure anybody else does either."

One of the key points in the bar committee's complaint involved a letter Edmiston wrote to Equitable Trust

saying the \$34,800 check he was supposed to have sent the bank may have been lost in the mail.

Edmiston testified before the committee that the letter was written on Dec. 12, 1973, a month after the settlement involving Gulf Reston.

The committee heard testimony from Charles A. Appel, a document examiner in Washington, who said comparison tests with other correspondence showed the letter actually was written in October, 1974.

The committee's complaint concluded the letter was predated intentionally.